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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 03-07-70345
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXTENDING THE TIME LIMIT FOR THE
v.)	PRELIMINARY HEARING AND
)	EXCLUDING TIME
GLENIO JESUA FERREIRA SILVA,)	
)	
Defendant.)	
_____)	

On June 18, 2007, at the Initial Appearance for the defendant, the parties appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from June 18, 2007 through July 11, 2007. Further, counsel for the defendant waived the defendant's right to a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c), (d). On June 27, 2007, the Honorable Bernard Zimmerman issued an Order excluding time as requested by the parties. On July 9, 2007, the Honorable James Larson issued an order that the Preliminary Hearing be removed from the July 11, 2007 calendar and be continued until July 18, 2007 and that time should be excluded from the Speedy Trial Act calculations from July 11, 2007

STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME LIMIT FOR THE PRELIMINARY
HEARING AND EXCLUDING TIME- CR 03-07-70345 BZ

1 through July 18, 2007 for effective preparation of counsel.

2 The parties now stipulate and request that the Court enter an Order that the Preliminary
3 Hearing be removed from the July 18, 2007 calendar and be continued until August 29, 2007 and
4 that time should be excluded from the Speedy Trial Act calculations from July 18, 2007 through
5 August 29, 2007 for effective preparation of counsel.

6 The Government is preparing and providing discovery to the defendant. Further, counsel
7 for the Government and defense counsel are currently discussing pre-indictment resolution of this
8 matter. Finally, counsel for the defendant does not believe it is within his client's best interest to
9 hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c),(d). The parties
10 represent that granting this continuance is necessary for effective preparation of counsel to permit
11 defense counsel to review discovery and to afford counsel time to discuss pre-indictment
12 resolution, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

13 IT IS SO STIPULATED.

14 SCOTT N. SCHOOLS
15 United States Attorney

16 DATED: July 18, 2007

17 /s/
18 DENISE MARIE BARTON
Assistant United States Attorney

19 DATED: July 18, 2007

20 /s/
21 STEVEN GRUEL
Attorney for GLENIO JESUA FERREIRA
SILVA

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23 **IT IS SO ORDERED.**

24 For the reasons stated above, the Court finds that the ends of justice served by the
25 continuance outweigh the best interests of the public and the defendant in a speedy trial and that
26 time should be excluded from the Speedy Trial Act calculations from July 18, 2007 through
27 August 29, 2007 for effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The failure
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1 to grant the requested continuance would deny the defendant effective preparation of counsel,
2 taking into account the exercise of due diligence, and would result in a miscarriage of justice.
3 See 18 U.S.C. §3161(h)(8)(B)(iv).

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6 DATED: _____

7 Honorable Nandor J. Vadas
8 United States Magistrate Judge
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